

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

MARQUIS DEYSHAUN WARE,  
Institutional ID No. 113322

Plaintiff,

v.

No. 1:23-CV-00220-H

RICKY BISHOP, *et al.*,

Defendants.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Marquis Deyshaun Ware is a Muslim pretrial detainee confined in the Taylor County Detention Center (TCDC). In this civil-rights action, Ware complains that three TCDC officials—Ricky Bishop, Tim Trawick, and Tony Pollock—are unlawfully impeding his ability to practice his Islamic faith, in violation of his First and Fourteenth Amendment rights, the Texas Constitution, and the Religious Land Use and Institutionalized Persons Act (RLUIPA). Dkt. Nos. 1, 12. Proceeding pro se and *in forma pauperis*, Ware seeks declaratory and injunctive relief under 42 U.S.C. § 1983, RLUIPA, and Texas law.<sup>1</sup> *Id.*

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Dkt. No. 14. Specifically, the Magistrate Judge recommends that the Court dismiss Ware's Section 1983 Fourteenth Amendment claims and RLUIPA claims against Defendants in their individual capacities for failure to state a claim.

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<sup>1</sup> The Magistrate Judge construed Ware's claims as seeking relief from Bishop in his individual and official capacities and from Trawick and Pollock in their individual capacities only. Dkt. No. 14 at 3–4.

But the Magistrate Judge concludes that Ware's remaining claims survive preliminary screening and recommends that the Court proceed with service of process on these claims, requiring answers from all defendants.<sup>2</sup> Plaintiff did not file any objections.

The District Court has conducted an independent review of the record in this case and reviewed the Magistrate Judge's report for plain error. Finding no plain error, the Court accepts and adopts the findings of fact, conclusions of law, and recommendation of the Magistrate Judge.

The Court therefore orders that:

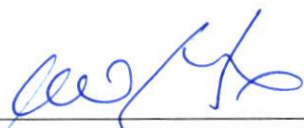
- (1) Ware's Section 1983 Fourteenth Amendment claims against Defendants are dismissed with prejudice for failure to state a claim. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).
- (2) Ware's RLUIPA claims against Defendants in their individual capacities are dismissed with prejudice for failure to state a claim. *Id.*
- (3) Partial final judgment should be entered as to the above-described Defendants and claims under Federal Rule of Civil Procedure 54(b). *See* Fed. R. Civ. P. 54(b).
- (4) The Court will enter a separate order directing service and requiring an answer from Defendants on Plaintiff's remaining RLUIPA claims, Section 1983 First Amendment claims, and state-law claims.

All relief not expressly granted is denied.

The Court will enter judgment under Rule 54(b) accordingly.

So ordered.

Dated May 1, 2024.

  
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JAMES WESLEY HENDRIX  
United States District Judge

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<sup>2</sup> Ware's following claims remain pending: (1) RLUIPA claim against Bishop in his official capacity; (2) Section 1983 First Amendment claims against Defendants in their individual capacities; (3) Section 1983 First Amendment policy claim against Bishop in his official capacity; and (4) state-law claims arising under the Texas Constitution.